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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
KOROBOV, VITALI A	

ART UNIT	PAPER NUMBER
2155	

DATE MAILED: 09/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/071,575	SMITH ET AL.	
	Examiner	Art Unit	
	Vitali Korobov	2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *15 June 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-37* is/are pending in the application.

4a) Of the above claim(s) *13,14,18-28,31 and 32* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☐ Claim(s) *1-12, 15-17, 29-30 and 33-37* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Response to Amendment

1. This Office Action is in response to the amendment filed 06/15/2005. Claims 1, 15, 16, 29 and 33-35 were amended. Claims 13, 14, 18-28 and 31-32 were cancelled. Claims 1-12, 15-17, 29-30 and 33-37 are pending in this Office Action.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1 – 4, 6, 8, 10, 11, 15 - 17, 29, and 34 – 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over the U. S. Patent Application Publication No. 2002/0062368 A1 by Holtzman, David et al. (hereinafter Holtzman) in view of the U. S. Patent 5,948,054 to Nielsen, Jakob (hereinafter Nielsen).

With respect to claim 1, Holtzman teaches a computer mediated persistent conversation system having one or more computers with which each of multiple users author and post messages in one or more conversations, the system including a computer-readable medium that stores computer software instructions for operating the system, the improvement comprising: computer software instructions stored on the computer-readable medium for obtaining selected information from the one or more conversations (Fig. 1, item 12, §0050, lines 7 – 8); computer software instructions stored on the computer-readable medium for storing the selected information and

forming from it aggregated conversation data that includes aggregations according to time, conversation, and authoring user (§0050, lines 9 – 13, §0110); computer software instructions stored on the computer-readable medium for tagging or identifying the messages when they are posted by authoring users as being of one or more selected message types (§0045, §0046, §0048; §§0075, lines 3 – 14), and computer software instructions stored on the computer-readable medium for providing the aggregated conversation data and message type identifications to users of the computer mediated persistent conversation system (Fig. 1, item 14; §0075, lines 1 - 7, as per definition of aggregation in §0027 of instant application).

Holtzman does not explicitly teach the message types comprising a Question message type indicating that a message is a question and an Answer message type indicating that a message is an answer to a Question message type and providing message type identifications to users.

Nielsen teaches a system for facilitating the message and information exchange between human users in a networked computer system in which the one or more selected message types include a Question message type indicating that a message is a question and an Answer message type indicating that a message is an answer to a Question message type and providing message type identifications to users. (Nielsen, Fig. 8A – Question message type processing, Fig. 11 – Answer message type processing).

Therefore, it would have been obvious to one having ordinary skills in the art at the time the invention was made to combine the system as taught by Holtzman and the

system taught by Nielsen in order to facilitate an improved method and system for matching users with questions to users capable of supplying an answer (Nielsen, col. 2, lines 42 – 44).

With respect to claim 2, Holtzman teaches the system of claim 1 in which the computer mediated persistent conversation system includes any of Usenet (NNTP) newsgroups, World Wide Web (HTTP) message or bulletin board sites, email lists, or online chat rooms (§0005, lines 17 – 20 and §0006, lines 1-14).

With respect to claim 3, Holtzman teaches the system of claim 1 in which the computer mediated persistent conversation system includes Usenet (NNTP) newsgroups (§0049 lines 9 – 12).

With respect to claim 4, Holtzman teaches the system of claim 1 in which the aggregated conversation data includes plural aggregations according to plural time periods or resolutions (§0011, lines 4 – 14 – time summary statistics; §0110 - §0111 – grouping and aggregation).

With respect to claim 6, Holtzman teaches the system of claim 1 in which the aggregated conversation data includes plural aggregations according to plural conversation characteristics or identifiers. (§0011, lines 1 – 5 – assigning plurality of identifiers; §0110 – aggregation).

With respect to claim 8, Holtzman teaches the system of claim 1, in which the aggregated conversation data includes plural aggregations according to plural authoring user characteristics or identifiers (§§0033 – 0042 - plural authoring user characteristics or identifiers, §0110 - aggregation).

With respect to claim 10, Holtzman teaches the system of claim 1 in which one or more reply messages respond to an initial message and the aggregated conversation data provided to users includes an indication of a fraction of an authoring user's messages that are replies in a selected one of the conversations relative to the authoring user's reply messages in all of the conversations (§0011, lines 2 – 14).

With respect to claim 11, Holtzman teaches the system of claim 1 in which one or more reply messages respond to an initial message and the aggregated conversation data provided to users includes an indication of a number of replies by an authoring user and a number of initial messages to which replies are posted (§0011, lines 1 – 14; §0012, lines 8 – 13).

With respect to claim 15, Holtzman teaches the system of claim 1.

Holtzman does not explicitly teach the system in which the one or more selected message types include a Closed message type indicating that a message of the Answer message type resolves a message of the Question message type.

Nielsen teaches the system in which the one or more selected message types include a Closed message type indicating that a message of the Answer message type resolves a message of the Question message type (Nielsen, col. 4, lines 60 – 62).

It would have been obvious to one having ordinary skills in the art at the time the invention was made to combine the system as taught by Holtzman and the system taught by Nielsen in order to facilitate an improved method and system for matching customers with questions to consultants with answers (Nielsen, col. 2, lines 42 – 44).

With respect to claim 16, Holtzman teaches the system of claim 1 in which one or more reply messages respond to an initial message, the one or more selected message types including a Closed message type indicating that a selected reply message resolves the initial message (§0035 – Final message posted by the Moderator).

With respect to claim 17, Holtzman teaches the system of claim 1 in which the aggregated conversation data are provided to users as a profile that references a selected user or a conversation (§0011, lines 4 – 14, §0012 – last sentence, §§0033 – 0042 – user profiles, §0049, lines 16 – 26).

With respect to claim 29, Holtzman teaches in a computer mediated persistent conversation system having one or more computers with which each of multiple users author and post messages in one or more conversations, the system including a user interface rendered on the display screens, comprising: one or more indications of aggregated conversation data from the one or more conversations and including aggregations according to time, conversation, and authoring user (§§0110-0111, §0122, lines 3 – 8 – display information to end user); and one or more indications for identifying the messages when they are posted by authoring users as being of one or more selected message types (§0045, §0046, §0048; §§0075, lines 3 – 14, §0122, lines 3 – 8 – display information to end user).

Holtzman does not explicitly teach the system in which the one or more selected message types include a Question message type indicating that a message is a question and an Answer message type indicating that a message is an answer to a Question message type.

Nielsen teaches a system comprising a Question message type indicating that a message is a question and an Answer message type indicating that a message is an answer to a Question message type (Fig. 8A – Question message type processing, Fig. 11 – Answer message type processing).

It would have been obvious to one having ordinary skills in the art at the time the invention was made to combine the system as taught by Holtzman and the system taught by Nielsen in order to facilitate an improved method and system for matching customers with questions to consultants with answers (Nielsen, col. 2, lines 42 – 44).

With respect to claim 33, Holtzman teaches the system of claim 29.

Holtzman does not teach the system in which the one or more selected message types includes a Closed message type indicating that a message of the Answer message type resolves a message of the Question message type.

Nielsen, however, teaches the system in which the one or more selected message types includes a Closed message type indicating that a message of the Answer message type resolves a message of the Question message type (Col. 4, lines 60 – 62).

It would have been obvious to one having ordinary skills in the art at the time the invention was made to combine the system as taught by Holtzman and the system taught by Nielsen in order to facilitate an improved method and system for matching customers with questions to consultants with answers (Nielsen, col. 2, lines 42 – 44).

With respect to claim 34, Holtzman teaches the system of claim 29 in which one or more reply messages respond to an initial message, the one or more selected

message types including a Closed message type indicating that a selected reply message resolves the initial message (§0035 – Final message posted by the Moderator).

With respect to claim 35, Holtzman teaches in a computer mediated persistent conversation system having one or more computers with which each of multiple users author and post messages in one or more conversations, a method comprising: obtaining selected information from the one or more conversations (§0050, lines 9 – 13); storing the selected information and forming from it aggregated conversation data that includes aggregations according to time, conversation, and authoring user (§0110, §0111); identifying the messages when they are posted by authoring users as being of one or more selected message types (§0045, §0046, §0048; §§0075, lines 3 – 14, §0122, lines 3 – 8 – display information to end user), and providing the aggregated conversation data to users of the computer mediated persistent conversation system (§0122, lines 3 – 8).

Holtzman does not explicitly teach a computer mediated persistent conversation system comprising a Question message type indicating that a message is a question and an Answer message type indicating that a message is an answer to a Question message type and providing message type identification to users.

Nielsen, however, teaches a computer mediated persistent conversation system comprising a Question message type indicating that a message is a question and an Answer message type indicating that a message is an answer to a Question message

type and providing message type identification to users (Nielsen, Fig. 8A – Question message type processing, Fig. 11 – Answer message type processing).

It would have been obvious to one having ordinary skills in the art at the time the invention was made to combine the system as taught by Holtzman and the system taught by Nielsen in order to facilitate an improved method and system for matching customers with questions to consultants with answers (Nielsen, col. 2, lines 42 – 44).

With respect to claim 36, Holtzman teaches the method of claim 35 in which the computer mediated persistent conversation system includes any of Usenet (NNTP) newsgroups, World Wide Web (HTTP) message or bulletin board sites, email lists, or online chat rooms. (§0005, lines 17 – 20 and §0006, lines 1-14).

With respect to claim 37, Holtzman teaches the method of claim 35 in which the computer mediated persistent conversation system includes Usenet (NNTP) newsgroups (§0049 lines 9 – 12).

3. Claims 5, 7, 9, 12, 30 are rejected under 35 U.S.C. 103(a) as being unpatentable Holtzman in view of Nielsen and further in view of the U. S. Patent 6250930 to Mintz, Alex (hereinafter Mintz).

Claim 5 further limits the scope of claim 4 by aggregating the conversation data according to two or more time periods or resolution such as both day and week. Holtzman also teaches aggregation along time dimension (such as in page 9, §0116, "for a given date") and regression analysis by correlating multiple sets of data (page 12, §0152) to facilitate market analysis (page 9, §0126).

Holtzman does not explicitly teach two different types of time periods such as "day" and "week" in the time dimension.

Mintz, an analogous art that deals with analyzing e-mail messages for facilitating market analysis (Col. 10, lines 40-45, and 55-57), suggests that a plurality of time periods (and/or granularities) can be used in the time dimension during analysis (see specifically col. 10, lines 39-41). Mintz, in general, is directed to enhancing of surveying technique wherein data to be surveyed may be received through e-mails.

Therefore, it would have been obvious to one of ordinary skills in the art at the time the invention was made to combine Holtzman and Mintz to enhance market analysis with new tools as well as to provide additional flexibility (See Mintz, col. 1, lines 33-39). By incorporating the plurality of time periods or resolutions of Mintz in Holtzman users will be able to use a wide variety of time periods/resolutions and thus automate and improve the quality of market analysis (Mintz, page 2, lines 60-67).

With respect to claim 7, it further limits the scope of claim 6 by claiming that plural conversations are related by plural hierarchical levels of organization and further claiming plural aggregations according to two or more of the hierarchical levels of organization. Holtzman teaches the system of claim 6 in which plural conversations are related by plural hierarchical levels of organization (Fig. 3), storage of conversations according to plural characteristics or identifiers information with respect to plural conversation identifiers (§§0044, 0045, 0046), and message categorization according to a plurality of pre-determined rules (§0012, lines 8 – 10). Holtzman further teaches

regression analysis by correlating multiple sets of data (page 12, §0152) to facilitate market analysis (page 9, §0126)

Holtzman does not explicitly teach plural aggregations according to two or more of the hierarchical levels of organization.

Mintz, suggests aggregation according to two or more of the hierarchical levels of organization. (See specifically col. 10, lines 29 – 33, "small picture" vs. "big picture", and store vs. salesperson aggregations).

It would have been obvious to one of ordinary skills in the art at the time the invention was made to combine Holtzman and Mintz to enhance market analysis with new tools as well as with flexibility (See Mintz, col. 1, lines 33-39). By incorporating aggregations according to the plurality of hierarchical levels of organization of Mintz in Holtzman, users will be able to further enhance and improve the quality of market analysis (Mintz, page 2, lines 60-67).

With respect to claim 9, Holtzman teaches the system of claim 8 in which the plural authoring user characteristics or identifiers correspond to plural hierarchical levels of authoring user identifier (§§0033 - 0042)

Holtzman does not explicitly teach the plural aggregations according to plural authoring user characteristics or identifiers including aggregations according to two or more of the hierarchical levels of authoring user identifier.

Aggregation Engine of Mintz provides analytical tools to perform such aggregations by user characteristics or identifiers (Col. 10, lines 29 – 33). Therefore, claim 9 is rejected under the same rationale as claim 7 above.

With respect to claim 12, Holtzman teaches the system of claim 1 in which one or more reply messages respond to an initial message.

Holtzman does not explicitly teach the aggregated conversation data provided to users that includes an indication of a number of days on which an authoring user posted a message in a selected one of the one or more conversations relative to a number of days on which an authoring user posted a message in any of the one or more conversations.

Mintz, however, suggests that a plurality of time periods (and/or granularities) can be used in the time dimension during analysis (see specifically col. 10, lines 39-41).

Therefore, it would have been obvious to one of ordinary skills in the art at the time the invention was made to combine Holtzman and Mintz to enhance market analysis with new tools as well as with flexibility (See Mintz, col. 1, lines 33-39). By incorporating the plurality of time periods or resolutions of Mintz in Holtzman users will be able to use a wide variety of time periods/resolutions and thus automate and improve the quality of market analysis (Mintz, page 2, lines 60-67).

With respect to claim 30, Holtzman teaches the system of claim 29.

Holtzman does not explicitly teach the additional limitations of claim 30 in which the user interface provides indications of plural aggregations according to plural time periods or resolutions.

Mintz, however, teaches the system in which the user interface provides indications of plural aggregations according to plural time periods or resolutions (Col. 10, lines 38 – 42).

It would have been obvious to one having ordinary skills in the art at the time the invention was made to combine the system as taught by Holtzman with the aggregation engine taught by Mintz to enhance its value (Mintz, col. 9, lines 60 – 61).

4. **Examiner's note:** Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

Response to Arguments

5. Applicant's arguments filed 04/29/2005 have been fully considered but they are not persuasive.

The Applicants argue – *"As stated previously, independent Claim 1 was amended to incorporate the subject matter of Claims 13 and 14*, independent Claim 29 was amended to incorporate the subject matter of Claims 31 and 32*, and independent Claim 35 was amended to incorporate subject matter similar to that incorporated into Claims 1 and 29. It is the applicants' position that the Holtzman-Nielsen combination does not teach this subject matter. Specifically, it is the applicants' position that the combination does not teach tagging or identifying messages when they are posted as being a Question message type or an Answer message type, or providing the message type identifications to the users.*

Granted, it was contended in the Office Action that Nielsen taught these features citing Fig. 8A and Fig. 11 as evidence. However, this is not the case."

The Examiner respectfully disagrees. The workflow diagram of figure 8A of Nielsen clearly indicates that the message retrieved at step 805 is a question message type. Further, at step 807, the question message types and appropriate HTML tags are stored in a file. Similarly, the process diagram of Figure 11 of Nielsen teaches that the message sent to a customer is an answer to his question. The message clearly indicates to the customer that this is the answer to his question at least because it is accompanied by a satisfaction survey asking the customer how he liked the answer. The Examiner would also like to point out that particular columns, figures and line numbers in the references as applied to the claims above were cited for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. For example in col. 3, lines 57-64 it is stated that the customer submitting a question does so by filling in a form, so the customer message is tagged as a question at least by virtue of being put into a question form. Furthermore, the customer also checks one or more checkboxes to tag the question as falling into a particular category. According to the above, it is the Examiner's position that Nielsen teaches tagging of messages as question message type and answer message type.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See

MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vitali Korobov whose telephone number is 571-272-7506. The examiner can normally be reached on Mon-Friday 8a.m. - 4:30p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on (571)272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Vitali Korobov
Examiner
Art Unit 2155

09/02/2005
VAK

SALEH NAJJAR
PRIMARY EXAMINER